IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.7752 OF 2007

Hiraji Jayant Dhanwatey : Petitioner
(Orig.Plaintiff)

V/s.

Maharashtra State Road Transport
Corporation : Respondent
(Orig.Defendant)

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Mr.David i/b. M/s.David & Associates for the petitioner.

Mr.G.S.Hegde i/b. M/s.G.S.Hedge & Associates for the respondent.

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CORAM : S.A.BOBDE, J.

DATE : OCTOBER 26, 2007.

P.C.

1. Rule, returnable forthwith.

Mr.Hegde waives service for the respondent.

2. After hearing the matter for sometime, the following order is passed by consent:-

O R D E R

(i) The impugned order is hereby set aside. The lower appellate Court is directed to hear the application for stay preferred by the petitioner afresh and decide the same, in accordance with law. The lower appellate Court is further directed to decide the appeal within a period of six months from the date the parties appear before it. The parties are directed to appear before the lower appellate Court on 20.11.2007. Pending the appeal, there shall be stay of eviction.

(ii) The rule is made absolute in the above terms.

S.A. BOBDE, J.